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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,131	06/27/2003	Robert C. Young	115867	5557
25944	7590	01/12/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			LEUNG, PHILIP H	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,131

Applicant(s)

YOUNG ET AL.

Examiner

Philip H Leung

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10-22-2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Applicant's election with traverse of Group I, claims 1-31 in the reply filed on 10-27-2004 is acknowledged. The traversal is on the ground(s) that there is no serious burden. This is not found persuasive because as admitted by applicant, the two groups of inventions are independent and distinct for the reasons set forth in the requirement. The search for each group is also different as the second group is only drawn to a composition that may be used for many other processes, therefore the search for two distinct groups of inventions and patentability determination on a unfamiliar group of invention clearly increase the burden on the Examiner. As applicant has not shown that the requirement was in error, the requirement is proper and will not be withdrawn.

The requirement is still deemed proper and is therefore made FINAL.

2. Claim 32 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the election requirement in the reply filed on 10-27-2004.

3. Every feature of the invention specified in the claims must be shown by drawings under 37 CFR 1.83(a). Applicant is required to furnish a drawing under 37 CFR 1.81. More particularly, the claimed structure "vessel comprises a layer of a microwave susceptor layer" in claims 2 and 31; "the cooking vessel consisting of a plate, a disk, a pair of plates or disks a pouch , a sleeve, a tray, a pad and a patch" in claim 11 and all the structure claimed in claims 8-10 must be shown or the feature(s) canceled from the claim(s). No new matter may be introduced in the required drawing.

Art Unit: 3742

Formal drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-14 and 22-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Schiffmann (GB 2228662).

Schiffmann shows a microwave cooking process, comprising: providing a food product in or on a microwave cooking vessel, wherein said food product comprises a food load and a coating composition coated on said food load, said coating composition comprises at least one microwave-absorbing oil or fat; and exposing said food product in or on said microwave cooking container having a microwave susceptor to microwave energy in a microwave oven (see the

Art Unit: 3742

abstract and Page 3, line 28 – Page 5, line 8). In regard to claims 2-11, see Pages 10 and 11. In regard to claims 22-28, see Page 8, line 7 – Page 9, line 17.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 15-21 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiffmann (GB 2228662).

As set forth above, Schiffmann shows every feature as claimed except for the exact percentage of the coating and the cooking temperature. However, the exact percentage of the coating composition and the cooking temperature would have been a matter of engineering expediencies depending on the type and amount of food to be microwave heated and can be easily determined by an ordinary artisan following the teaching of Schiffmann (see Page 5, line 9 – Page 6, line 29 and the Examples on Pages 12-17. In regard to claim 19, it is pointed out that the term “fry” is the same as “brown” depending on the temperature as Schiffmann shows the use of a coating as claimed.

Art Unit: 3742

8. Claims 1-31 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Yuan et al (US 4,283,425), in view of Schiffmann (GB 2228662).

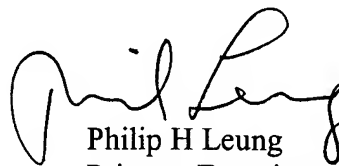
Yuan shows a microwave dry-fry cooking process, comprising: providing a food product comprises a food load and a coating composition coated on said food load, said coating composition comprises at least one microwave-absorbing oil or fat; and exposing said food product in a microwave oven to crisp or fry the food product (see col. 3, line 28 – col. 5, line 48). It does not explicitly show “placing a food product in or on a cooking vessel” although it is a routine practice for microwave cooking. Anyway, Schiffmann shows a microwave cooking process, comprising: providing a food product in or on a microwave cooking vessel, wherein said food product comprises a food load and a coating composition coated on said food load, said coating composition comprises at least one microwave-absorbing oil or fat; and exposing said food product in or on said microwave cooking container having a microwave susceptor to microwave energy in a microwave oven. It would have been obvious to one of ordinary skill in the art to modify Yuan to position the food product on or in a cooking vessel with a microwave susceptor to achieve a better and more efficient cooking result, in view of the teaching of Schiffmann (Pages 10 and 11). The exact percentage of the coating composition and the cooking temperature would have been a matter of engineering expediencies depending on the type and amount of food to be microwave heated and can be easily determined by an ordinary artisan following the teaching of Yuan (col. 5, line 50 – col. 7, line 25) and Schiffmann (see Page 5, line 9 – Page 6, line 29 and the Examples on Pages 12-17).

Art Unit: 3742

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip H Leung whose telephone number is (571) 272-4782. The examiner can normally be reached on flexible.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Philip H Leung
Primary Examiner
Art Unit 3742

P.Leung/pl
1-06-2005